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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
25 May 1948

UNITED STATES OF AMERICA VS SHIGERU NUMAJIRI
UNITED STATES OF AMERICA VS SHIGEO EIZUMI
UNITED STATES OF AMERICA VS IMAJIRA KIRA
UNITED STATES OF AMERICA VS SHOZO TAKAHASHI
UNITED STATES OF AMERICA VS MINORU KURAKAWA
UNITED STATES OF AMERICA VS TAKASHI NEISHI
UNITED STATES OF AMERICA VS TAKAYOSHI SHINKAE
UNITED STATES OF AMERICA VS SANZO TANO

Review of the Staff Judge Advocate

1. The attached record of trial by common trial of Shigeru Numajiri, Shigeo Eizumi, Imajira Kira, Shozo Takahashi, Minoru Kurakawa, Takashi Neishi, Takayoshi Shinkae, and Sanzo Tano at Yokohama, Japan, from 10 July 1947 to 7 August 1947, by a Military Commission appointed by paragraph 35, Special Orders No. 152, Headquarters Eighth Army, United States Army, dated 1 July 1947, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Shigeru Numajiri
AGE: 51
ADDRESS: 1 Baraki-Ken, Uki-Gun, Mizsukado-machai 2367
MARITAL STATUS: Married
RELATIVES: Wife, three children, one brother, one sister
EDUCATION: Twelve years of school
MILITARY CAREER: Dec 1917 to Nov 1918; Apr 1943 to 20 Oct 1945, Lt. in Japanese Army
VOCATION: Grade school principal

DATE OF CONFINEMENT: 4 Feb 1946
DATE OF ARRAIGNMENT: 10 Jul 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
DATE OF SENTENCE: 7 Aug 1947
SENTENCE: CHL for eighteen (18) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Shigeo Eizumi
AGE: 30
RESIDENCE: Gunma-Ken, Yamada-Gun, Morita-Mura, Tada-Agari 1702
MARITAL STATUS: Married
RELATIVES: Wife, mother, three brothers, four sisters,
EDUCATION: Eight years of school
MILITARY CAREER: Jan 1939 to Aug 1941; Mar 1944; civilian employee, Japanese Army, Dec 1943 to Jul 1945
VOCATION: Machine operator

DATE OF CONFINEMENT: 1 Feb 1946
DATE OF ARRAIGNMENT: 10 Jul 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
DATE OF SENTENCE: 7 Aug 1947
SENTENCE: CHL for five (5) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Imajira Kira
AGE: 29

DATE OF CONFINEMENT: 29 Dec 1945
DATE OF ARRAIGNMENT: 10 Jul 1947

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PURL: https://www.legal-tools.org/doc/7c79d1/

RESIDENCE: Tochige-Ken, Kamitsuba-Gun, Ashiomachi, Tsudo-Suzuki, Seikichi-Kata
MARITAL STATUS: Married
RELATIVES: Wife, father, two brothers
EDUCATION: Eight years of school
MILITARY CAREER: May 1940 to 15 Apr 1944; civilian guard, Japanese Army, Oct 1944 to Sep 1945
VOCATION: Machine operator

PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
DATE OF SENTENCE: 7 Aug 1947
SENTENCE: CHL for fifteen (15) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Takashi Neishi
AGE: 32
RESIDENCE: Yamanashi-Ken, Kitatsuru-Gun, Tahayama Mura
MARITAL STATUS: Married
RELATIVES: Wife, child, father, mother, one brother, two sisters
EDUCATION: Eight years of school
MILITARY CAREER: 1937 to 1940 Japanese Army
VOCATION: Farmer

DATE OF CONFINEMENT: 22 May 1947
DATE OF ARRAIGNMENT: 10 Jul 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
DATE OF SENTENCE: 7 Aug 1947
SENTENCE: CHL for five (5) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Takayoshi Shinkae
AGE: 37
RESIDENCE: Tochigi-Ken, Kamitsuga-Gun, Ashio-Machi, Sunakata 11-B
MARITAL STATUS: Married
RELATIVES: Wife, two children, three brothers, one sister
EDUCATION: Eight years of school
MILITARY CAREER: Japanese Army Oct 1938 to Oct 1940; Jul 1941 to Nov 1942; and Jun 1945 to Sep 1945
VOCATION: Miner

DATE OF CONFINEMENT: 22 May 1947
DATE OF ARRAIGNMENT: 10 Jul 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
DATE OF SENTENCE: 7 Aug 1947
SENTENCE: CHL for three (3) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Sanzo Tanno
AGE: 39
RESIDENCE: Tochigi-Ken, Kamitsuga-gun, Ashio-machi #5277
MARITAL STATUS: Married
RELATIVES: Wife, mother, four children, one sister, four brothers
EDUCATION: Eight years of school
MILITARY CAREER: Japanese Army 10 Jan 1930-9 Jun 1931; 25 Feb 1932-5 Oct 1932; 13 Oct 1937-Jun 1939; 3 Oct 1941-25 May 1943; 12 Feb 1945-15 Sep 1945
VOCATION: Barber

DATE OF CONFINEMENT: 22 May 1947
DATE OF ARRAIGNMENT: 10 Jul 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
RESULT: Acquittal

NAME: Shozo Takahashi
AGE: 44

DATE OF CONFINEMENT: 16 Nov 1945
DATE OF ARRAIGNMENT: 10 Jul 1947

PURL: https://www.legal-tools.org/doc/fcf9d1/

RESIDENCE: Tochigi-ken, Kamitsuga-gun, Ashio-machi, Sunahata 24B
MARITAL STATUS: Married
RELATIVES: Four children, wife, father, three brothers, one sister
EDUCATION: Eight years of school
MILITARY CAREER: Japanese Army 10 Jan 1924-30 Nov 1925; 5 Oct 1941-15 Jul 1943
VOCATION: Time Keeper

PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
RESULT: Acquittal

NAME: Minoru Kurokawa
AGE: 37
RESIDENCE: Tochige Pref., Kawauchi-Gun, Hiraishi-mura, Oaza-Ishii 58
MARITAL STATUS: Married
RELATIVES: Wife, father, brother, sister
EDUCATION: Eight years of school
MILITARY CAREER: Japanese Army 10 Jan 1932-May 1934; 20 Aug 1937-Jul 1939; 30 Oct 1943-? Sep 1945
VOCATION: Farmer

DATE OF CONFINEMENT: 21 May 1947
DATE OF ARRAIGNMENT: 10 Jul 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 10 Jul 1947 to 7 Aug 1947
RESULT: Acquittal

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2. Synopsis of charges, pleas, findings, legal sufficiency, and sentence:

Charge and Specifications:	Pleas	Findings	Legally Sufficient
SHIGERU NUMAJIRI			
Ch: Accused, at the times and places set forth in the specifications, and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: In or about January 1945, at or near Tokyo Area POW Camp No. 9-B, Ashio, Honshu, Japan, accused, then Commander of said Camp, did willfully and unlawfully mistreat, torture and contribute to the death of George F. Gallion, an American PW, by beating him, by refusing him proper and adequate medical attention, by refusing him sufficient food and available medicines, by forcing him to work when he was physically unfit to do so and by otherwise abusing him and by ordering and causing members of his command and persons under his supervision and control to beat and abuse him.	NG	G, except for the words "torture and contribute to the death of", "by refusing him proper and adequate medical attention, by refusing him sufficient foods and available medicines, by forcing him to work when he was physically unfit to do so", "and by ordering and causing members of his command and persons under his supervision and control to beat and otherwise abuse him." Of the excepted words, NG	Yes

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Sp 2: In or about June 1945, at Ashio POW Camp 9-B, accused, then Commander of said Camp, did willfully and unlawfully mistreat and torture Wallace Hall, an American PW, by beating him and by ordering and causing members of his command and persons under his supervision and control to suspend him with his back to the ground by ropes tied to his feet and handcuffed wrists for long periods of time, to beat him, to place him in confinement for a long period of time, to force him to stand at attention for a long period of time and to otherwise abuse him.	NG	G	Yes, in part
Sp 3: In or about August 1945; at Ashio POW Camp 9-B, accused, then Commander of said Camp, did willfully and unlawfully mistreat and torture John Hogue and Jose L. Quintana, American PWs, by ordering and causing members of his command and persons under his supervision and control to beat them and to suspend them by their hands and feet for a long period of time and by otherwise abusing them.	NG	G, except for the word "them", substituting therefor the words "Jose L. Quintana", and the word "their", substituting therefor the word "his". Of the excepted words, NG; of the substituted words, G.	Yes
Sp 4: From about 1 November 1943 to 1 September 1945, at Ashio POW Camp 9-B, accused did unlawfully disregard and fail to discharge his duty as Commander of said Camp to Allied PWs by permitting filthy and unsanitary conditions to exist in and about said Camp; by failing and neglecting to provide adequate quarters, heat and bathing facilities; by failing and neglecting to provide sufficient food and clothing; by refusing, failing and neglecting to provide proper, adequate and humane medical care and attention and adequate and available medical supplies; and by forcing and permitting sick Prisoners to perform arduous labor when physically unfit to do so, thereby causing the sickness and death of numerous American and Allied PWs.	NG	G, except for the words "by failing and neglecting to provide adequate quarters, heat and bathing facilities; by failing and neglecting to provide sufficient food and clothing; by refusing, failing and neglecting to provide proper, adequate and humane medical care and attention and adequate and available medical supplies;" and "thereby causing the sickness and death of numerous American and Allied PWs". Of the excepted words, NG.	Yes, in part
Sp 5: From about 1 November 1943 to 1 September 1945, at Ashio POW Camp 9-B, accused, then Commander of said Camp, did willfully and unlawfully withhold, misappropriate, and convert to his own use Red Cross and other supplies intended for the use and benefit of Allied PWs.	NG	NG	---

(p 4, EIZUMI, Case #188)

PURL: https://www.legal-tools.org/doc/7d9d1/

Sp 6: From about 1 November 1943 to 20 October 1945, at Ashio POW Camp 9-B, accused, then Commander of said Camp, did willfully and unlawfully mistreat and torture numerous American and Allied PWs by beating and otherwise abusing them, and by ordering, causing and knowingly permitting members of his command and persons under his supervision and control to beat and otherwise abuse them.	NG	NG	---
Sp 7: Between 1 November 1943 and 20 October 1945, at Ashio POW Camp 9-B, accused did unlawfully disregard and fail to discharge his duty as commander of said Camp to control and restrain members of his command and persons under his control, by permitting them to commit the following brutal acts, atrocities and other offenses against certain American and Allied PWs:			
a. Between 1 November 1943 and 1 September 1945, the unlawful withholding and misappropriation of Red Cross and other supplies intended for the use and benefit of Allied PWs.	NG	G, except for the words "and other supplies" substituting therefor the word "blankets". Of the excepted words, NG; of the substituted word, G.	Yes
b. At divers times between 1 November 1943 and 20 October 1945, the unlawful mistreatment of Basil W. Wecal, Paul L. Murphy, Lou Poss, Jimmy Durr, Granby O. Tuggle, John A. O'Connor, Lea Magerole, and Charles W. Lieb, American PWs, and numerous other Allied PWs, by beating them, by forcing them to stand at attention for long periods of time; by suspending them by their wrists and feet for long periods of time; by placing them in the guardhouse without adequate food or blankets for long periods of time during cold weather; by forcing them to work while they were physically unfit to do so; and by otherwise abusing them.	NG	G, except for the word "numerous"; of the excepted word, G.	Yes, in part
TAKAYOSEI SHINKAE			
Ch: Accused at the times and places set forth in the specifications, and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	G	

(p 5, EIZUMI, Case #188)

PURL: https://www.legal-tools.org/doc/7cf9d

Sp 1: Between 11 November 1943 and 15 August 1945, at or near Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat, abuse and contribute to the death of George F. Gallion, an American PW, by forcing him to perform arduous and excessive labor when he was physically unable to do so.	NG	G, except for the words "and contribute to the death of"; of the excepted words, NG.	Yes, in part
Sp 2: At various times between 11 November 1943 and 15 August 1945, at or near Ashio POW Camp 9-B, accused did mistreat numerous American and Allied PWs by beating and otherwise abusing them.	NG	NG	---
IMAJIRA KIRA			
Ch: Accused, at the times and places set forth in the specifications, and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	G	
Sp 1: In or about January 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture George F. Gallion, an American PW, by beating and otherwise abusing him, thereby contributing to his death.	NG	NG	---
Sp 2: In or about June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Sgt. Wallace Hall, an American PW, by suspending him by his hands and feet and otherwise abusing him.	NG	NG	---
Sp 3: In or about August 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture John Hogue and Jose L. Quintana, American PWs, by beating them, by suspending Jose L. Quintana by his hands and feet, and by otherwise abusing them.	NG	G	Yes
Sp 4: On various occasions between 1 October 1944 and 1 September 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat Jimmie Durr, Oliver F. Promnitz, Clayton H. Ruhland, Jack Cole and John Connor, American PWs, and numerous other Allied PWs, by beating and otherwise abusing them.	NG	G, except for the words "Jimmie Durr, Oliver F. Promnitz"; of the excepted words, NG.	Yes

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TAKASHI NEISHI

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Ch: Accused, at the times and places set forth in the specifications, and at a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: In or about June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Sgt. Wallace Hall, an American POW, by beating him, by suspending him by ropes attached to his handcuffed wrists and feet for long periods of time and by otherwise abusing him.	NG	G	Yes, in part
Sp 2: In or about January 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Jimmie Durr, an American PW, by beating him, by confining him in the guardhouse with insufficient food, clothing, blankets or other covering at a time of severely cold weather, and by otherwise abusing him.	NG	G, except for the words "by confining him in the guardhouse with insufficient food, clothing, blankets or other covering at a time of severely cold weather,"; of the excepted words, NG.	Yes
Sp 3: Between 1 February 1944 and 31 August 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Lou Poss and Charles Leit, American PWs, and numerous other Allied PWs by beating and otherwise abusing them.	NG	G, except for the words "and torture", "numerous", and "and otherwise abusing". Of the excepted words, NG.	Yes, in part

SHIGEO EIZUMI

Ch: Accused, at the times and places set forth in the specifications hereto attached, and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	G	
Sp 1: In about June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Sgt. Wallace Hall, an American PW, by suspending him by his hands and feet and by otherwise abusing him.	NG	NG	---
Sp 2: At divers times in about January 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Jimmie Durr, an American PW, by beating him with fists, rifle butt, or other weapons, by confining him in the guardhouse with	NG	NG	---

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insufficient food, clothing and blankets in severely cold weather for a long period of time, and by otherwise abusing him.			
Sp 3: At divers times between 1 January 1944 and 31 July 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully withhold and misappropriate Red Cross and other supplies intended for the use and benefit of American and Allied PWs.	NG	G,	Yes except for the words "Red Cross and other"; of the excepted words, NG.
Sp 4: At divers times between 1 January 1944 and 31 July 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Oliver F. Promnitz, an American PW, and numerous American and Allied PWs by beating and otherwise abusing them.	NG	G,	Yes except for the words, "and torture Oliver F. Promnitz, an American PW, and"; of the excepted words, NG.
SANZO TANNO			
Ch: Accused, at the times and places set forth in the specifications and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	NG	---
Sp 1: Between 10 November 1943 and 15 February 1945, at or near Ashio POW Camp 9-B, accused, then Medical Orderly of said camp, did willfully and unlawfully mistreat, abuse and contribute to the death of George F. Gallion, an American PW, by failing and neglecting to provide him with proper and adequate medicines and medical care, by forcing him to perform arduous labor when he was physically unfit to do so and by otherwise abusing him.	NG	NG	---
Sp 2: Between 10 November 1945 and 15 February 1945, at or near Ashio POW Camp 9-B, accused, then Medical Orderly of said camp, did willfully and unlawfully mistreat and abuse numerous American and Allied PWs by failing and neglecting to provide them with available and adequate medicines and proper medical care, by forcing said Prisoners to perform arduous labor when they were physically unfit to do so and by beating and otherwise abusing them.	NG	NG	---

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SHOZO TAKAHASHI

Ch: Accused, at the times and places set forth in the specifications and during a time of war between the United States of America and Japan, did violate the Laws and Customs of War.	NG	NG	---
Sp 1: In or about June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Sgt. Wallace Hall, an American PW, by suspending him by his wrists for a long period of time and by otherwise abusing him.	NG	NG	---
Sp 2: In or about August 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture John Hogue and Jose L. Quintana, American PWs, by beating them, by suspending Jose L. Quintana by his hands and feet for a long period of time, and by otherwise abusing them.	NG	NG	---
Sp 3: Between January 1943 and September 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully withhold and misappropriate Red Cross and other supplies intended for the use and benefit of American and Allied PWs.	NG	NG	---
Sp 4: At divers times between 1 January 1945 and 1 September 1945 at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat Jimmy Durr, an American PW, and numerous other American and Allied PWs, by beating and otherwise abusing them.	NG	NG	---

MINORU KURAKAWA

Ch: Accused at the times and places set forth in the specifications hereto attached, and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	NG	---
Sp 1: In or about June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Sgt. Wallace Hall, an American PW, by beating him, by suspending him by his hands and feet and by otherwise abusing him.	NG	NG	---

PURL: https://www.legal-tools.org/doc/7cf9d1/

hours in front of the administration building (Ex. 18). The Hall incident took place on or about the third or fourth of June 1945 (Ex. 21). Sgt. Hall was handcuffed and his feet were bound, then he was suspended from the rafters by a rope tied to the handcuffs for a period of an hour, and kept locked in the guard house for two days with very little to eat (Ex. 50). After the food was found near Hall's blankets he was stripped of his shirt, strung up by his wrists and beaten by the company commander with a rifle butt (Ex. 54). Hall was handcuffed, his feet tied together and he was stripped of his clothing; he was hoisted into the air by a rope tied to the handcuffs, suspended for 20-minute intervals, with a ten-minute rest period for 24 hours; while resting he was beaten by the commanding officer; later placed in confinement for five days; no bedding or blankets; temperature below freezing (Ex. 55). To the same effect (Ex. 56). Hall was suspended by a rope from the handcuffs to a peg on the wall and a rope tied to his feet and to the opposite wall; the 20-minute periods lasted for about two and one-half hours (Ex. 58, 60). Hall states he was suspended by the wrists and beaten over a period of about five days on or about 2 June 1945; this was done by order of the camp commander (See also R. 251); he was suspended for periods of about two hours and beaten during this time; he would be let down and revived, then it would commence again; in enumerating the Japanese that beat him he fails to include the camp commander (Ex. 59). Hall was in the guard house for about five days and during the day he stood in front of the guard house at attention with his hands stretched out in front--if he relaxed he was beaten (Ex. 61). When Hall returned from the guard house he was in poor physical condition and showed signs of being tortured and beaten (R. 62).

(5). As to Specification 5: The affidavit of PW Hogue states that on August 14, 1945, he and Quintana were talking to a Korean in the mine and a guard, Three Fingers, caught them. They were taken before the camp commander, who ordered the Japanese Sergeant, second in command, to beat them. Two of Hogue's teeth were knocked out and his face was "pulverized" by the shoe being used by the guard. Hogue was ordered to sit down and the Sergeant ordered Three Fingers and another guard to beat him. Three Fingers beat his feet with a gun butt and as a result Hogue lost all of his toe nails. The other guard beat him with a pick handle about the body. Quintana had been hung up by handcuffs to the rafters and the flesh on his wrists "was pulled back to the bloody bone". Quintana's face was a mass of bruises and his back with big blue welts. Quintana stated that he had been beaten with a pick handle, poked with a sharp pole and kicked in the groin. Hogue was still suffering from the beating a year later (Ex. 48). The affidavit of Quintana states that he and Hogue bought some tobacco from a Korean in the mine on 14 August 1944. They were caught at evening inspection by Sgt. Maj. Mackawa and Sgt. Takahashi who took them to the guard house where they were questioned by the sergeants and later the camp commander. After being beaten about the face and head by the Japanese with a two-by-four two feet long and a wooden shoe while they were both kneeling on the floor, Hogue was released but Quintana was strung up to a rafter after having his hands handcuffed and a rope attached to the handcuffs. During this time his feet were about two feet from the floor. He was beaten again by the Camp Commander and the two Sergeants with the same instruments as before. He hung from the rafters for about 25 minutes, after which he was taken down and then he confessed where he obtained the tobacco. He was again suspended from the rafter and beaten for about 45 minutes and released. His hands and face were swollen and bleeding and he had several lacerations about his face and hands. Sgt. Takahashi was nicknamed "Four Eyes" and had three fingers missing from one hand and two from the other (Ex. 50). The above corroborated in whole or in part (Ex. 46, 49, 51, 54).

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(6) As to Specification 4: One PW forced to work at the mud press with a broken hand until he passed out (Ex. 2). Water pipe broke in December 1944 and not repaired until "almost" March 1945; as a result PWs were without water for washing clothes; PWs covered with lice and fleas (Ex. 3). There were plenty of sand fleas, flies, rats, and lice and the Japs did nothing about them. The water that came from the spigots had to be boiled; the latrines were dirty and filthy and the lime was no good (Ex. 7, 65). Some of the men were only a rack of bones, undernourished, anemic, eaten up with dysentery, beri-beri and just able to keep going on their nerve and intestinal fortitude. Yokoyama would slug them and send them back to work in the mines (Ex. 10). Between the months August 1944--September 1945 the Japanese medical orderly beat sick men and sent them to work knowing that it was advocated by the Camp Commander and he sent Pvt. Gallion to work knowing that he was too sick to work (Ex. 12). The affiant was forced to work even though his left arm was paralyzed and he "had malnutrition so bad and could not feel pins stuck in my leg". The PWs' clothes were full of fleas and lice and the Japs did nothing to relieve the situation (Ex. 18). The latrines filled up and overflowed and there were "maggots crawling around on the ground outside these latrines". Urine would overflow from the latrine into the barracks. The PWs suffered from fleas and lice and the Japs did nothing to help the PWs (Ex. 19, 65). The barracks and clothing were infested with vermin and no attempt was made by the Japanese to control the same. Some of the men suffered the "burning" treatment for beri-beri, and many times Yokoyama (medical orderly) required the men to work while undergoing these treatments (Ex. 20). Each PW given 30 sheets of toilet paper and one-third of a bar of soap per month (Ex. 29). Affiant had to work for three days in the mine while suffering from pneumonia before he went to the hospital; also forced to work after a boil was lanced, and when the boil became infected he had to take two weeks from work (Ex. 33). Affiant was forced to work in the mine after reporting sick with a hernia (Ex. 45). People suffering from high fever were sent to work; Lt. Numajiri, the Camp Commander, "pressed the sick to go to work and made them kneel in front of him" (Ex. 52, 65). The latrines were about 30 or 40 feet from the kitchens; the latrines were in terrible shape, overflowed from time to time and maggots would crawl into the barracks; flies were around the kitchens and latrines and no covers were provided for the food as it was prepared; there was insufficient water and soap most of the time to clean the mess gear; the hospital only had two bed pans and two ducts; the Japanese medical orderly sent people to work who were sick over the protests of the Allied doctors; witness was sent to work suffering with a hernia; sometimes the Camp Commander lined all the sick up and made the decision who would go to work; this was normal procedure (Ex. 56, 58, 59, 69). PW MacBeath forced to work while sick by Numajiri (Ex. 65).

(7) As to Specification 7a: The PW blankets were Japanese thin cotton or wood fiber blankets. The Camp Commander ordered all American blankets, including Red Cross ones, turned in, and they were reissued to the Jap guards. "...The Jap Camp Commander and most of the Jap guards slept under eight American Red Cross blankets. These, I put on the Commanding Officer's bed, by orders, myself" (Ex. 18). "I want to state that as of 1 August 1945, all members of the Japanese soldier guard at this camp [Ashio, 9b] were using American Red Cross blankets on their beds. I was an eye witness to this" (Ex. 19). The blankets the PWs had were thin, cotton flannel; in January got one more Japanese blanket per two men, this somewhat thicker than the others issued (R. 55). To the same effect see Ex. 23 and Ex. 65). Numajiri knew of these conditions (Ex. 65).

PURL: https://www.legal-tools.org/doc/7cf9d1

SHOZO TAKAHASHI

Ch: Accused, at the times and places set forth in the specifications and during a time of war between the United States of America and Japan, did violate the Laws and Customs of War.	NG	NG	---
Sp 1: In or about June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Sgt. Wallace Hall, an American PW, by suspending him by his wrists for a long period of time and by otherwise abusing him.	NG	NG	---
Sp 2: In or about August 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture John Hogue and Jose L. Quintana, American PWs, by beating them, by suspending Jose L. Quintana by his hands and feet for a long period of time, and by otherwise abusing them.	NG	NG	---
Sp 3: Between January 1943 and September 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully withhold and misappropriate Red Cross and other supplies intended for the use and benefit of American and Allied PWs.	NG	NG	---
Sp 4: At divers times between 1 January 1945 and 1 September 1945 at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat Jimmy Durr, an American PW, and numerous other American and Allied PWs, by beating and otherwise abusing them.	NG	NG	---

MINORU KURAKAWA

Ch: Accused at the times and places set forth in the specifications hereto attached, and during a time of war between the United States and Japan, did violate the Laws and Customs of War.	NG	NG	---
Sp 1: In or about June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Sgt. Wallace Hall, an American PW, by beating him, by suspending him by his hands and feet and by otherwise abusing him.	NG	NG	---

PURL: https://www.legal-tools.org/doc/7cf9d1/

Sp 2: At various times in or about January 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat and torture Jimmy Durr, an American PW, by beating him, by confining him in the guardhouse with insufficient heat, clothing, blankets or other covering during severely cold weather and by otherwise abusing him.	NG	NG	---
Sp 3: At various times between 1 January 1944 and 30 June 1945, at Ashio POW Camp 9-B, accused did willfully and unlawfully mistreat, torture, abuse and beat numerous American and Allied PWs.	NG	NG	---

3. Summary of the evidence:

a. For the Prosecution:

NUMAJIRI

(1) The accused Numajiri was the commanding officer of PW Camp 9B, Ashio, Japan, from 10 November 1943 to 20 September 1945. At the named camp the accused Neishi was a guard from 20 February 1945 to 3 September 1945; the accused Kira a guard from 20 February 1944 to 3 September 1945; the accused Eizumi from 10 January 1944 to 10 July 1945 (Ex. F) and the accused Shinkae from April 1937 to 14 June 1945 was a "Cartman" in the copper mine where the PWs worked (R. 287, Ex. A). The accused Shinkae was identified as being the Japanese called "Blue Coat", Eizumi as "Four Eyes", and Kira as "Three Fingers" (R. 49). All accused correctly identified during the trial (R. 224).

(2) The accused Numajiri was found not guilty of Specifications 5 and 6 (R. 347).

(3) As to Specification 1: About a month before his death Gallion was caught stealing lettuce and was beaten severely by Numajiri with a slipper; he bled from the face and was put in the guard house without food or blankets for two and one-half days (Ex. 8). Gallion was often beaten with a club by the camp commander (Numajiri) and the guards (Ex. 69). In December 1944 Gallion was beaten by the camp commander (Numajiri); later the camp commander found a dynamite fuse in Gallion's barracks bag and beat Gallion with a shoe and his open hand until Gallion fell to the floor, the skin on his face broken, but no bones broken (Ex. 74). To a similar effect (R. 70, 71, 72, 264, 265).

(4) As to Specification 2: See par 3a (15)(Neishi) post. Sgt. Wad Hall was accused of stealing Red Cross supplies and beaten for five days (Ex. 9). Sgt. Wallace Hall saved his Red Cross food for his birthday, and the food was found on an inspection; he was accused of stealing it from the Red Cross storeroom; Hall was hung from the rafters by his wrists and ankles and left suspended for long periods of time; constantly beaten; only given one bowl of food per day (Ex. 10, 65). The Hall incident happened about July 1945 (Ex. 11). The day the food was discovered the camp commander beat Hall severely and he was required to stand at attention for several

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hours in front of the administration building (Ex. 18). The Hall incident took place on or about the third or fourth of June 1945 (Ex. 21). Sgt. Hall was handcuffed and his feet were bound, then he was suspended from the rafters by a rope tied to the handcuffs for a period of an hour, and kept locked in the guard house for two days with very little to eat (Ex. 50). After the food was found near Hall's blankets he was stripped of his shirt, strung up by his wrists and beaten by the company commander with a rifle butt (Ex. 54). Hall was handcuffed, his feet tied together and he was stripped of his clothing; he was hoisted into the air by a rope tied to the handcuffs, suspended for 20-minute intervals, with a ten-minute rest period for 24 hours; while resting he was beaten by the commanding officer; later placed in confinement for five days; no bedding or blankets; temperature below freezing (Ex. 55). To the same effect (Ex. 56). Hall was suspended by a rope from the handcuffs to a peg on the wall and a rope tied to his feet and to the opposite wall; the 20-minute periods lasted for about two and one-half hours (Ex. 58, 60). Hall states he was suspended by the wrists and beaten over a period of about five days on or about 2 June 1945; this was done by order of the camp commander (See also R. 251); he was suspended for periods of about two hours and beaten during this time; he would be let down and revived, then it would commence again; in enumerating the Japanese that beat him he fails to include the camp commander (Ex. 59). Hall was in the guard house for about five days and during the day he stood in front of the guard house at attention with his hands stretched out in front--if he relaxed he was beaten (Ex. 61). When Hall returned from the guard house he was in poor physical condition and showed signs of being tortured and beaten (R. 62).

(5) As to Specification 3: The affidavit of PW Hogue states that on August 14, 1944, he and Quintana were talking to a Korean in the mine and a guard, Three Fingers, caught them. They were taken before the camp commander, who ordered the Japanese Sergeant, second in command, to beat them. Two of Hogue's teeth were knocked out and his face was "pulverized" by the shoe being used by the guard. Hogue was ordered to sit down and the Sergeant ordered Three Fingers and another guard to beat him. Three Fingers beat his feet with a gun butt and as a result Hogue lost all of his toe nails. The other guard beat him with a pick handle about the body. Quintana had been hung up by handcuffs to the rafters and the flesh on his wrists "was pulled back to the bloody bone". Quintana's face was a mass of bruises and his back with big blue welts. Quintana stated that he had been beaten with a pick handle, poked with a sharp pole and kicked in the groin. Hogue was still suffering from the beating a year later (Ex. 48). The affidavit of Quintana states that he and Hogue bought some tobacco from a Korean in the mine on 14 August 1944. They were caught at evening inspection by Sgt. Maj. Mackawa and Sgt. Takahashi who took them to the guard house where they were questioned by the sergeants and later the camp commander. After being beaten about the face and head by the Japanese with a two-by-four two feet long and a wooden shoe while they were both kneeling on the floor, Hogue was released but Quintana was strung up to a rafter after having his hands handcuffed and a rope attached to the handcuffs. During this time his feet were about two feet from the floor. He was beaten again by the Camp Commander and the two Sergeants with the same instruments as before. He hung from the rafters for about 25 minutes, after which he was taken down and then he confessed where he obtained the tobacco. He was again suspended from the rafter and beaten for about 45 minutes and released. His hands and face were swollen and bleeding and he had several lacerations about his face and hands. Sgt. Takahashi was nicknamed "Four Eyes" and had three fingers missing from one hand and two from the other (Ex. 50). The above corroborated in whole or in part (Ex. 46, 49, 51, 54).

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(6) As to Specification 4: One PW forced to work at the mud press with a broken hand until he passed out (Ex. 2). Water pipe broke in December 1944 and not repaired until "almost" March 1945; as a result PWs were without water for washing clothes; PWs covered with lice and fleas (Ex. 3). There were plenty of sand fleas, flies, rats, and lice and the Japs did nothing about them. The water that came from the spigots had to be boiled; the latrines were dirty and filthy and the lime was no good (Ex. 7, 65). Some of the men were only a rack of bones, undernourished, anemic, eaten up with dysentery, beri-beri and just able to keep going on their nerve and intestinal fortitude. Yokoyama would slug them and send them back to work in the mines (Ex. 10). Between the months August 1944--September 1945 the Japanese medical orderly beat sick men and sent them to work knowing that it was advocated by the Camp Commander and he sent Pvt. Gallion to work knowing that he was too sick to work (Ex. 12). The affiant was forced to work even though his left arm was paralyzed and he "had malnutrition so bad and could not feel pins stuck in my leg". The PWs' clothes were full of fleas and lice and the Japs did nothing to relieve the situation (Ex. 18). The latrines filled up and overflowed and there were "maggots crawling around on the ground outside these latrines". Urine would overflow from the latrine into the barracks. The PWs suffered from fleas and lice and the Japs did nothing to help the PWs (Ex. 19, 65). The barracks and clothing were infested with vermin and no attempt was made by the Japanese to control the same. Some of the men suffered the "burning" treatment for beri-beri, and many times Yokoyama (medical orderly) required the men to work while undergoing these treatments (Ex. 20). Each PW given 30 sheets of toilet paper and one-third of a bar of soap per month (Ex. 29). Affiant had to work for three days in the mine while suffering from pneumonia before he went to the hospital; also forced to work after a boil was lanced, and when the boil became infected he had to take two weeks from work (Ex. 33). Affiant was forced to work in the mine after reporting sick with a hernia (Ex. 45). People suffering from high fever were sent to work; Lt. Numajiri, the Camp Commander, "pressed the sick to go to work and made them kneel in front of him" (Ex. 52, 65). The latrines were about 30 or 40 feet from the kitchens; the latrines were in terrible shape, overflowed from time to time and maggots would crawl into the barracks; flies were around the kitchens and latrines and no covers were provided for the food as it was prepared; there was insufficient water and soap most of the time to clean the mess gear; the hospital only had two bed pans and two ducts; the Japanese medical orderly sent people to work who were sick over the protests of the Allied doctors; witness was sent to work suffering with a hernia; sometimes the Camp Commander lined all the sick up and made the decision who would go to work; this was normal procedure (Ex. 56, 58, 59, 69). PW MacBeath forced to work while sick by Numajiri (Ex. 65).

(7) As to Specification 7a: The PW blankets were Japanese thin cotton or wood fiber blankets. The Camp Commander ordered all American blankets, including Red Cross ones, turned in, and they were reissued to the Jap guards. "...The Jap Camp Commander and most of the Jap guards slept under eight American Red Cross blankets. These, I put on the Commanding Officer's bed, by orders, myself" (Ex. 18). "I want to state that as of 1 August 1945, all members of the Japanese soldier guard at this camp /Ashio, 9b/ were using American Red Cross blankets on their beds. I was an eye witness to this" (Ex. 19). The blankets the PWs had were thin, cotton flannel; in January got one more Japanese blanket per two men, this somewhat thicker than the others issued (R. 55). To the same effect see Ex. 23 and Ex. 65). Numajiri knew of these conditions (Ex. 65).

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(8) As to Specification 7b: The witness saw Takahashi, an accused who was acquitted on all charges, beat Durr one morning (R. 61), saw Neishi slap several PWs one evening while questioning them as to who threw some water out of a barracks window (R. 64), saw "Four Eyes" (Eizumi) beat PWs many times (R. 65), saw Kira (Three Fingers) slap and kick Lt. Lampriere, saw Kira beat Phuland and one other, and also Kira beat other PWs on various occasions (R. 66). In January 1945 the Sergeant Major and eight guards beat Durr with clubs, rifle butts, bayonets, and fists, and Durr was placed in the guard house during cold weather without blankets and only one bowl of rice per day; during this time Durr was forced to stand at attention every day and was beaten until he would pass out; the affiant (Brigham) was beaten many times (Ex. 2). In September 1944 the affiant (Clemons) and a Javanese PW were beaten by Three Fingers; in September 1945 (?) PWs Pellegrew; Ruckman, Gibson and the affiant were beaten with a wooden shoe and box by a guard called Takahada; PW Davis and the affiant were made to stand nude in the snow at attention while the guards beat them; then the Camp Commander beat them; one of the guards was Kira; Dour (Durr?) was beaten and hung by the thumbs until his hands were swollen black (Ex. 4). One evening the affiant (Cole) and two other PWs were beaten by Kida (Kira?) with a wooden shoe (Ex. 6). Three Fingers beat a PW by the name of Anderson (Ex. 7). Hall was beaten twice during the winter of 1944-45, once for standing up for a fellow PW and another time for breaking barrack regulations; Blue Coat beat the affiant (Davis) once; Four Eyes beat the affiant once; Four Eyes and Three Fingers beat Durr (Ex. 8). PW Connor was put in the guardhouse without blankets for seven days while the temperature was 15-20° below zero; in August 1945 one man stole a pumpkin; the whole camp was forced to stand at attention all night as punishment (Ex. 9, 21). Kira beat PW Le Blanc many times; Four Eyes (Eizumi) beat many men while he was mess sergeant; Yokoyama (Medical orderly) beat and slugged many PWs who reported on sick call, and would force sick men to work (Ex. 10, 20). The Jap Sergeant Major beat the affiant (Gibson) with a wooden shoe, "splitting open my head", and PW Thomas was also beaten by the same Jap (Ex. 11). A guard called the "Slugger" treated a Dutch PW like Hall was treated (See par 3a(4) above) (Ex. 17). The Camp Sgt. Maj. made three PWs place a mess bench on the mess table and then squat on the bench, then he hit them and knocked them to the ground until all were unable to move (Ex. 18). Three Fingers struck the affiant (Kalbera) about thirty times with his fists during the summer of 1945, and on another occasion about twenty times in July 1945; Three Fingers beat PW Anderson with a heavy stick of firewood over the head; Three Fingers beat many PWs and would force them to stand at attention for hours; Four Eyes beat the affiant and PWs Westerford and Drake while they stood at attention in front of the Headquarters Building (Ex. 19). "Stumpy" (Three Fingers) beat PW Conway in a "cruel and sadistical manner"; the camp commander "caused Pvt. Durr and Pvt. Hayes to be suspended from the ceiling by one arm and one leg for four hours to try to have them admit" stealing Red Cross supplies; Four Eyes beat the affiant (Le Blanc) severely; Takahashi (a guard) mistreated PWs Fargi, Durr, Hayes and many Dutch PWs (Ex. 20). Takahashi beat the affiant (Lieb) and PW Hall with a wooden shoe when he caught the PWs smoking in their bunks; on 10 August 1945 the same guard beat the affiant with a heavy stick about the head (Ex. 22). The affiant (Miller) was beaten by Three Fingers while standing at attention; this went on for about an hour (Ex. 25). The affiant (Promnitz) was beaten once by a guard named Takishi (Ex. 33). In December 1944, PW Durr was beaten and put in the guard house for three days without clothes, bedding or food; snow was about two feet deep on the ground; this happened again in January 1945, lasting about two weeks, and again in March 1945, for about a week (Ex. 35). The affiant (Phuland) was beaten at different times by Kasana (civilian in charge of the stores), Kida, and Kawema, a guard (Ex. 36). A PW named Wood was put in the guard house, and kept awake by the guards (Four Eyes, Chicken, The Kid and others) hitting and poking him with a long "2 by 2". Later they stood him

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at attention for over 24 hours, beating him when he relaxed; the affiant (Shuping) was beaten by Three Fingers and made to stand at attention for three hours in front of the guard house; another time the affiant was slugged by the supply sergeant (Ex. 37). PWs Carlson and Daniels were beaten for killing and cooking a snake; also made to stand at attention holding the snake out in front of them for two days; Sgt. Maj. Murakawa (found not guilty on all charges) beat the affiant (Smith) and PW Hart many times with a shoe; affiant's nose was broken twice and he lost a tooth; Mida beat PWs Anderson and Drake on the head with a rice paddle until they passed out and then kicked them; this he did many times (Ex. 38). In June 1945 PW Durr was placed in front of the assembled PWs; the guards slapped him and kicked him if he was on the ground; he was in the guard house about a day or so; when he came back he was in bad shape (Ex. 39). The affiant (Wecal) was beaten twice while he was in the camp, once by the Sgt. Maj. on 9 August 1945; also PW Preuit was beaten by the same guard (Ex. 44). The affiant (Tuggle) received a beating in the early part of August 1945 from the Camp Sgt. Major who used a saber end and belt until he passed out (Ex. 51). PWs Poss and Clay were beaten by the guards at the time of the Hall incident (See par 3a(4) above), and Poss was knocked out and was mentally unbalanced for a time (Ex. 59, 61, 65). PW Dean was struck with a swagger stick by a medical orderly named Sudo; Kira struck the affiant (McIntyre) in the face with his fists, then turned and beat four PWs who were standing nearby; Yokoyama struck PWs many times with his hands or fists; a PW Holman, who had a broken nose and bruised face, was forced to go to work (Ex. 65). The affiant (Hartley) was put in the guard house for seven days; he was required to stand at attention three hours in the morning and three hours in the afternoon with a glass of water extended in front of him held by his two hands (Ex. 14). One of the sergeants at the camp struck the affiant (Murphy) across the face with a kit-bag; the sergeant also strung several men up by the thumbs and beat them (Ex. 30). PW John Connor was beaten by three or four Jap guards until he was knocked down, one of whom was Three Fingers; this was in December 1944 (Ex. 41). During the tenure in office (20 November 1944 - 31 July 1945 (R. 324)) of the interpreter-first aid man Katoku, the moxabustion or "burning" treatment was prescribed for many PW patients who reported on sick call. "This treatment took the form of applying to various parts of the body a small portion about the size of a match head of a substance which resembled spun glass. This...would then be lighted and it would burn slowly". The treatment was repeated as often as it was felt necessary by Katoku, and was used for most complaints including beri-beri, piles, common colds and pneumonia. The treatment resulted many times in sores, and left permanent scars about the size of a quarter (Ex. 3, 4, 7, 45, etc.)

KIRA

(9) The accused Kira was found not guilty of Specifications 1 and 2 (R. 348).

(10) As to Specification 3: See par 3a(3)(Numajiri) above. A PW Cohorn mentions the Hogue-Quintana incident and describes the guards participating as "name unknown, first letter K, several fingers missing on both hands...Called "3 fingers". He was supply Sgt...." (Ex. 5).

(11) As to Specification 4: See par 3a(8)(Numajiri) above. Kira slapped a PW by the name of "Henry" several times (R.255).

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EIZUMI

(12) The accused Eizumi was found not guilty of Specifications 1 and 2 (R. 348-349).

(13) As to Specification 3: On 8 December 1944 the accused was in charge of the PW kitchen, and he acted in this capacity until April 1945. During this period of time the affiant (Sgt. Drake), a PW worker in the mess during this period, saw the accused carry "untold quantities of foods, such as rice, flour, sugar, cooking oil, soy sauce, mizo and other eatables, which were supposed to have been given to the prisoners, out of Camp" (Ex. 10). This was corroborated by ex-PW Johnson (Ex. 17). The accused took about one-third of the "meager sugar ration /of the PWs/ for his own personal use to make rice wine" (Ex. 20). Four Eyes (the accused) stole food supplies from the PWs; these supplies included sugar, rice, most of the good meat, cooking oil and the best vegetables (Ex. 32). To the same effect (Ex. 53). The accused took two baskets of fish from the PW kitchen and proceeded to the Japanese office with them (R. 66).

(14) As to Specification 4: See par 3a(8)(Numajiri) above.

NEISHI

(15) As to Specification 1: See par 3a(4)(Numajiri) above. "There was also a small Jap guard with a lot of gold in his mouth, who was probably about 5'0" tall, weight 140#, about thirty years of age, who did practically all the whipping and knocked Lou Poss out... I believe his name was Naison (sp)" (Ex. 59). "Hall... were taken to the office by the Japanese where they were stood at attention in the corridor while Neishi struck them in the face several times with his fist, then with his slipper made of leather. I was present and saw this happen". Hall told the affiant (McIntyre) that Neishi continued to beat him after the affiant left and before the Camp Commander arrived (Ex. 65, pp. 15, 16, 17). The accused, Neishi, states that he struck Hall, and under orders of the Camp Commander, shackled him to the wall and whipped him for about twenty minutes (Ex. 77). This corroborated by Numajiri, the camp commander (R. 301, 302). Neishi was in the party of Japs that apprehended Hall and took him to the office (R. 62).

(16) As to Specification 2: See par 3a(8)(Numajiri) above. Neishi suspended Durr (R. 303); Neishi, under orders of the Camp Commander, conducted the Durr incident in January 1945 (R. 258).

(17) As to Specification 3: See par 3a(8)(Numajiri) and 3a(15)(Neishi) above.

SHINKAE

(18) The accused Shinkae was found not guilty of Specification 2 (R. 350).

(19) As to Specification 1: PW Gallion worked in the mine at Ashio and during the fall of 1944 he became very skinny and weak. He went on sick call about 1 January 1945 and was allowed to rest in the barracks. Gallion was caught stealing vegetables and put in the guard house. Later he was released and returned to the barracks for rest, then was marked light duty for a time. He then returned to sick call and was allowed to rest again. A short time later he was found in the barracks with some vegetables and some

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dynamite fuses and the Camp Commander gave Gallion the choice of going back to work on full quota or going to the guard house as punishment. Gallion chose the mine work, but the following morning he reported for sick call but was turned down, and so he went to the mine to work. This day the shift the witness Gallion was on were due to work a "Tashiban" shift--or two days' work in one, i.e., a shift from 0700 to 1500 and from 1600 to 2300. Gallion worked the first shift--and started on the second shift. About 1900 Gallion came to the witness and said that he could do no more; he was very weak at this time. Gallion sat down and rested for about 20 minutes and the accused Shinkae, the foreman in charge, came by. The situation was explained to Shinkae, but after some talk Shinkae ordered a sub-foreman (Jap known as "Loud Mouth") to put Gallion back to work. The witness next saw Gallion about 2300 at the assembly point; Gallion was limp, almost speechless, and had to be carried back to camp. Upon arrival at camp Shinkae ordered a PW to carry Gallion to the sick bay, where he died early the next morning (R. 70-71; Ex.). The witness told Shinkae at the start of the day's work that Gallion was weak and should be given light work and Shinkae said that he would see with his own eyes what Gallion could do (R. 113). The witness again asked that Gallion be excused from work at 1500, but the hancho (foreman; Shinkae?) gave him the same answer, "that he would take care of the man" (R. 110).

Brigham states that Gallion told "Blue Coat" he could not work and that Shinkae and the guards (sic) beat Gallion until he passed out (Ex. 2).

Cohorn states that Shinkae made Gallion load four tons of ore after Gallion had done one day's work and complained of being ill, then Gallion quit--does not mention any beating (Ex. 5).

Johnson states that Blue Coat made Gallion finish his day's work; that Gallion finished early because the other PWs did the work; that Blue Coat made Gallion sit in a draft. Makes no mention of extra shift, or beating, or extra work (Ex. 17).

Jones states that while working on a "tashiban" shift Gallion quit; and as a result Blue Coat ate Gallion's lunch. No mention is made of Blue Coat forcing Gallion to work or any beating. Also states they worked "all night" and to 0400 the next day (Ex.18).

Rebowe states that in November 1943 Gallion complained that he was ill to "Blue Coat" and that "Blue Coat" made Gallion work anyway. That Gallion worked for three more hours, collapsed, and was taken to the hospital where he died an hour later of double pneumonia (Ex. 54).

Grover states that Gallion asked "Chinkeye", the nick-name of the civilian boss, if he could go back to camp because he was sick, that "Chinkeye" refused and a little later Gallion passed out and was taken to the hospital (Ex. 67).

b. Evidence for the Defense:

NUMAJIRI

(1) The accused Numajiri, after being warned of his rights, took the stand and testified in his own defense (R. 296-314) as follows (only that portion of his testimony is included that pertains to the specifications that the different accused were found guilty of): that he had been a school teacher from 1915 to 1943, except for one year of military service and one year of attending

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school; that when he was called to duty in 1943 he had not been on military duty in 25 years; that he reported for duty in April 1943 and took charge of the PW Camp in question in November 1943, and that he stayed in command until 20 October 1945; that he had no experience whatever in the type of work he was to do at the camp, and took the word of his superiors as to what facilities were to be given to PWs; that it was his responsibility to decide how many PWs went to work; that when the water pipe broke in the winter of 1944-45 he asked the mine to let the PWs repair it but the mine officials refused because it was too dangerous; that he questioned Hall (See Numajiri, Spec. 2) and "ordered Neishi to take Hall to the cell, string him up, and make him confess. Neishi then handcuffed Hall and took him to the cell and hung Hall to a crossbar. I went in later...and saw him hung there." As Hall would not confess he ordered Hall released; that he honestly believed that Hall had stolen Red Cross supplies; that Neishi suspended Durr (no date mentioned); did not believe Eizumi took PW supplies; that to take supplies from Camp it was necessary to get a pass and show it to the guard on the gate; that at various times he gave Eizumi and other guards such a pass for legitimate purposes; that Eizumi did all that was in his power to procure provisions for the PWs in the local markets, that he did not believe Kira was implicated in the Hogue and Quintana affair; that Neishi never beat anyone except Hall and Durr; that he instructed his guards to act properly and that the PWs would then act properly; that the guards were to set an example, that he slapped Gallion once at the end of November; that he never received any information from anyone that Gallion was ill or had a weak heart; that he never sent sick prisoners to work; at this point defense Ex. E (statement by Numajiri) received in evidence; cross-examination: denied sick and undernourished PWs were sent to work; the prosecution introduced Ex. 88, pre-trial statement by Numajiri in which he took all responsibility for sending sick PWs to work; Examination by the Commission: that he authorized the beating of Hall, Durr and Quintana; that he received two other reports of beatings by Neishi and Kira, otherwise he never heard of any other beatings in his camp; denied Gallion was in the guardhouse without food or blankets, and denied Gallion was given the choice of working or staying in the guard house.

(2) One Dr. Fujii, a prisoner serving a 12-year sentence in Sugamo Prison, testified (R. 188-195) that the accused Numajiri wrote to the District Commander requesting medical help for his sick PWs, and that the letter stated the PWs would rest until they received medical treatment; that when he arrived at least 100 PWs had been excused from working; that there are certain specialists in Japan who use the "burning" treatment but that doctors do not.

(3) One Ginya, an engineer for the mining company, testified that the accused made many requests for the repair of the water line into the camp, and that as a result the pipe was repaired as soon as possible (R. 220-221).

(4) One Kataku, ex-interpreter and medical orderly at the PW camp in question, testified that he was employed presently as a masseur and moxacutory, that he had offices in Ashio, that he attended school for three years to learn the "burning" treatment, and that he had a certificate of graduation; (during this testimony the prosecution stated that they were convinced that the witness believed in the burning treatment, and thought that he was doing good); that the PWs were bothered by lice, fleas, rats and other pests, and that such a condition was normal in the Ashio homes then and now; that Numajiri offered rewards for dead rats; obtained

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insecticides, but these were not sufficient; obtained cans for the steaming of clothes to get rid of lice; had the PWs' lunch boxes kept clean; used carbide on the worms around the latrines; that there were sufficient urinals and bed pans in the hospital; that Numajiri was criticized by the local Japanese because of his favorable treatment of the PWs; that many times all of the food coming to camp would be taken to the PW kitchen, then the Jap guards' share taken to their kitchen; that the PW doctors were always consulted at sick call; that the Jap medical orderlies never overruled the PW Doctor as to who would not go to work; that Numajiri never overruled the decisions of the Japanese and PW medical personnel; that Eizumi tried to help the PWs, and suggested salt for them after they sweat while working; the time when Heishi lined up the PWs when a liquid was thrown out of a barracks was because some of the PWs had urinated in a bottle and thrown it out the window; two PWs admitted doing it; no one was beaten; Numajiri often instructed his guards not to beat PWs; when mistreatment of the PWs in the mine came to the attention of Numajiri he protested to the mine officials; Gallion was struck by Numajiri about two months before his death; never again; Gallion did not report to sick call during the month of January 1945 (R. 223-280).

(5) Accused Tanno (found not guilty), after being warned of his rights (R. 281), testified that Gallion did not come on sick call shortly before he died; that he (Tanno) did not force Gallion to go to work (R. 281-286).

SHINKAE

(6) The accused Shinkae, after being warned of his rights (R. 287), took the stand and testified in his own defense as follows (only that portion of his testimony is included as pertains to specifications upon which some of the accused were found guilty): that he had acted as a PW labor foreman in the mine where the PWs worked from 20 November 1943 until 13 June 1945; that he worked with the PWs and that he was sympathetic towards them; that he permitted the PWs to rest when they needed to; sick PWs were not allowed to work; that he assigned Gallion for the "toshi ban" shift because it was his turn; that some PW told him at about 1445 on the day in question that Gallion was sick; that he looked at Gallion, but as Gallion looked the same as usual he told him to work; that he did not know that Gallion had a weak heart; that he (Shinkae) left the mine at about 1500 and did not come back; that he went home and knew nothing further about the affair until about 1500 on 30 January 1945 when he heard of the death of Gallion; Gallion was not a member of his working group during the day before he died; if he had known that Gallion had a weak heart or was sick he would not have picked Gallion to work the extra shift; Cross-examination: that he did not talk to Gallion on the day in question; Gallion did not tell him he was sick or that he could not work; that he had authority to let sick men leave the mine (R. 287-296).

(7) One Nakajima, an employee of the mine company where PW Gallion worked, testified in brief: that he had been in the employment of the mining company from 1937 to that date; that in January 1945 he was a work foreman in the mine; that he bossed a crew of PWs; that he had been instructed by the accused Numajiri not to mistreat the PWs and to treat them fairly; he remembered the Gallion incident; that on the day before Gallion died, he (Nakajima) worked in the mine from 0700 to about 2200; that Gallion worked under his supervision from about 1500 to 2200 when the PWs went back to camp; during the period 0700 to 1500 there were three foremen in the mine, the accused Shinkae, the witness, and one Takeda; neither

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Shinkae or Takeda worked the overtime shift (See also Ex. A); the PWs who were to work overtime were selected by Shinkae; that during the time Gallion was with him he was told that Gallion was ill; he talked with Gallion and he allowed Gallion to quit; this was about 1700 and Gallion had been put on the job by him at about 1600; he told Gallion that he could return to camp--Gallion told him that he would rather stay and rest in the mine; at the time Gallion reported to him (1700) there were ten or eleven PWs in the mine; Gallion rested after 1700; Gallion was not unconscious; Gallion walked to the job at 1600 and looked entirely natural; he got Gallion some medicine and Gallion rested from 1700 until they went home; Shinkae was not in the mine after 1500 that day; that he (Nakajima) escorted the PWs back to the camp after the shift was over; that Gallion was assisted from the mine and back to camp by the PWs; that at the camp he reported to a guard that Gallion needed a doctor; that he did not see PW Reese on the evening in question, that he did not know any PW by name on the shift; did not learn Gallion's name until a prosecution person came to see him last July (1946); that he was never called "Blue Coat" (R. 206-218).

KIRA

(8) The accused Kira did not take the stand. Evidence in his favor appears in par 3b(1) above.

NEISHI

(9) The accused Neishi did not take the stand in his own defense. Favorable evidence in his regard appears in paragraph 3b(1) above.

EIZUMI

(10) The accused Eizumi did not take the stand in his own defense. Favorable evidence in his regard appears in paragraphs 3b(1) and 3b(4) above.

4. Errors and Irregularities:

a. The Commission was constituted by proper authority and had jurisdiction of the accused and of the offenses alleged. It is noted that the defendant Kira was not present when the Commission met on 14 July 1947 (R. 31) and did not return to court until the Commission met on 16 July 1947 (R. 42). However, as the prosecution merely presented affidavits to the court during his absence, and the defense stated that Kira was aware of their contents insofar as they affected him and made no objection to continuing the trial, the accused Kira cannot be said to have been prejudiced thereby.

The accused were given a fair trial, were ably defended, cooperated in their own defense, produced witnesses in their own behalf and were given ample opportunity to cross-examine the witness testifying against them. The accused Numajiri, Tanno and Shinkae took the stand in their own defense.

There is no evidence that the accused were not sane at the time of the commission of the alleged acts or at the time of trial.

No ruling of the Commission is deemed to have affected adversely the substantial rights of the accused.

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5. Opinion: Restricted

a. The defense has submitted briefs in support of its motion to set aside the findings and modify the sentence in the cases of Numajiri, Neishi and Kira, to which the prosecution (Maj. Goodman) is not replying. These briefs and the arguments therein have been carefully examined.

The record is legally sufficient to support the findings and the sentence of the Commission, except as hereinafter indicated.

b. As to the accused Kira: The evidence produced at the trial by the prosecution conclusively proves the accused guilty of Specifications 3 and 4 by affidavits of prisoners of war who were present at the camp during the times alleged and who knew the facts.

c. As to the accused Eizumi: The accused Eizumi was proved guilty of Specifications 3 and 4 beyond a reasonable doubt by competent evidence produced at the trial by the prosecution.

d. As to the accused Neishi:

(1) As to Specification 1: The finding of guilty should be approved excepting the words "and feet". The evidence produced by the prosecution clearly proves the alleged mistreatment of Hall, but the evidence is far from conclusive that Hall was suspended by his feet as well as his wrists.

(2) As to Specification 2: The finding of guilty should be approved, being proved beyond a reasonable doubt by competent evidence.

(3) As to Specification 3: The finding of guilty should be approved excepting the figure "1", the words "and Charles Leit" and "Prisoners"; substituting therefor respectively the figure "20", the word "an" and the word "Prisoner". The evidence before the Commission indicates that the accused Neishi did not perform duty at Ashio Camp until 20 February 1944 and further the record fails to present any evidence as to a beating or other mistreatment of a "Charles Leit" by the accused.

e. As to the accused Shinkae: The finding of guilty of the specification and charge should be approved, excepting the words and figures "between 11 November 1943 and 15 August 1945"; substituting therefore the words and figures "on or about 29 January 1945". The evidence offered in support of the specification indicates that the acts alleged took place on or about 29 January 1945. The evidence offered by the prosecution and the defense differs sharply on the presence in the mine of the accused during the period that Gallion was ill and was worked. The oral evidence and affidavits offered by the prosecution are clear and convincing as to the guilt of the accused as alleged, and it cannot be called error in that the Commission chose to believe the witness offered by the prosecution instead of those offered by the defense.

f. As to the accused Numajiri:

(1) The finding of guilty of Specifications 1, 3 and 7a should be approved, as the prosecution produced evidence to prove the allegations contained therein beyond a reasonable doubt. The finding of the Commission on Specification 3 is ambiguous, and this review adopts the view presented by the defense brief for Numajiri at page 10 thereof, that Hogue was beaten, and that Quintana

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was beaten and suspended. With reference to Specification 7a, the defense motion for modification of the findings with reference to the accused Numajiri states that the specification does not allege a violation of the laws and customs of war (Defense brief, page 19). Red Cross supplies are forwarded to the detaining power for the use of the prisoners of war. The detaining power is a trustee, and it is a violation of the duty to the forwarding agency as well as the prisoner of war to withhold the supplies or to misuse them by issuing to the troops of the detaining power. The gist of the offense is the wrongful act of the accused, not the need of the prisoners of war. There is no merit in the contention of the defense that such actions as alleged and proved against the accused are not war crimes.

(2) As to Specification 2: The finding of guilty should be approved excepting the words "with his back to the ground", "feet and", and "to place him in confinement for a long period of time". The evidence presented by the prosecution, while proving beyond a reasonable doubt the general guilt of the accused, fails to prove the facts alleged in the excepted phrases.

(3) As to Specification 4: The finding of guilty of Specification 4 should be approved excepting the words "by permitting filthy and insanitary conditions to exist in and about said camp; and". It is true that the evidence presented by the prosecution indicates that insect life abounded in the camp and it is also true that Numajiri used a Japanese version of DDT to combat the plague. This powder did not work (Ex. 65) but that cannot be charged against the camp commander. The complaint on the maggots is met by the defense that Numajiri used carbide (R. 231), the lice were treated with steam drums (Ex. 65), and rewards were offered for the killing of rats (R. 231). The preponderance of the evidence in the record indicates that the accused took every action a reasonable man could be expected to take under the circumstances to comply with the wishes of the PW's and that, as a result, the prosecution has failed to prove its case beyond a reasonable doubt. This is indeed the view of two of the four members of the Commission. In a letter of clemency, signed by the president-law member and one other member, it is stated in paragraph 2 "as to the accused Numajiri, it is believed that he did the best he could to supply the prisoners with necessities". This indicates that fifty percent of the Commission were not convinced beyond a reasonable doubt that the accused had failed to perform his duty, and therefor the conviction should not be sustained (CM 318085, Chance, 67 B.R. 125).

(4) As to Specification 7b: The finding of guilty of this specification should be approved excepting the words "Leo Magérole" and "by suspending them by their wrists and feet for long periods of time;". The record apparently fails to mention the alleged mistreatment of Magerole, and there is insufficient evidence to support the excepted allegation.

6. Recommendations:

(a) As to the accused Eizumi:

The request for clemency for the accused Eizumi, signed by Koshiro Kobayashi and 443 other persons, has been read and carefully considered. The accused was sentenced to confinement at hard labor for five years. The sentence is legal and, as there are no mitigating circumstances in this matter, it is recommended that the sentence be approved. In consonance with present policy and due to the length of time the accused has been in confinement, it is further recommended that thirteen and one-half months of the sentence be remitted.

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(b) As to the accused Kira: The recommendation for clemency, signed by the president-law member and one other of the Commission that tried the accused, as well as the brief supporting the defense motion for modification of the sentence, has been read and carefully considered. The accused has been convicted of only two specifications, both concerning physical abuse of PWs, and the injuries testified to by the prosecution witnesses were transitory in nature. The sentence is legal, but considering all the surrounding circumstances, it is recommended that the sentence be reduced to five years, and that in consonance with present policy, due to the length of time the accused has been in confinement, sixteen and one-half months of the sentence be remitted.

(c) As to the accused Shinkae: With the alteration indicated hereinabove (par 5(a)), the findings of the Commission should be approved. The accused Shinkae was found guilty of one instance of abuse of a single PW; the working of a sick man might very well have been a mistake in judgment with no ill will intended. He was found not guilty of mistreatment or abuse of other PWs during the period 11 November 1943 to 15 August 1945. Taking all of the circumstances surrounding this incident into consideration, the sentence assessed by the Commission, although legal, is deemed excessive, and it is recommended that the confinement at hard labor be reduced to two years.

(d) As to the accused Neishi: The recommendation for clemency signed by the president-law member and one other of the Commission that tried the accused, as well as the brief supporting the defense motion for modification of the sentence, has been read and carefully considered. The accused has been convicted of three specifications of abuse of PWs by physical violence. With the alterations indicated hereinabove (par 5(d)) the findings of the Commission should be approved. The sentence to confinement at hard labor for five years is legal, and in view of the facts established by the prosecution, not excessive. It is recommended that the sentence be approved.

(e) As to the accused Numajiri: The recommendation for clemency, signed by the president-law member and one other of the Commission, as well as the brief supporting the motion for modification of the sentence, has been read and carefully considered. With the alterations and exceptions noted hereinabove (par 5(f)), the findings of the Commission should be approved. The accused was sentenced to confinement at hard labor for eighteen years, for offenses of personally mistreating prisoners of war, permitting members of his command to mistreat PWs and the misuse of Red Cross blankets. Matters in his favor are contained in the brief of the defense supporting the motion to modify the sentence. The accused is fifty-one years of age and an eighteen-year sentence might well be considered as a life sentence. The record indicates that Numajiri was neither malicious nor vicious in his actions, but rather a commanding officer with little or no knowledge of how to command or carry out the duties for which he was responsible. Fifty percent of the Commission have recommended a sentence of seven years. It is recommended that the sentence, although legal, be reduced to eight years, and in consonance with present policy, due to the length of time the accused has been in confinement, it is further recommended that fifteen months of the sentence be remitted.

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(f) It is finally recommended that in all other respects, the motions to modify and set aside the findings and to modify the sentences be denied.

7. Action:

Forms of action designed to carry these recommendations into effect are attached.

WINSTON L. FIELD
Lt Col JAGD
Reviewer

I concur in general. The following addenda should be noted:

Numajiri, Specification 4. Under the facts summarized in the foregoing review (Cf. p. 12), it is considered that the camp commander's duty to his wards to furnish reasonably adequate hygienic conditions was by no means discharged. The perfunctory efforts made to supply disinfectants and insecticides fell far short of the commander's capabilities. Shortage of disinfectants does not justify dirty overflowing latrines. Water and buckets would have solved the problem. The statement in the request of two commission members for clemency that Numajiri did his best to supply the prisoners with necessities obviously relates to his personal actions as to the portions of Specifications 4 and 5 of which he was acquitted. Therefor no impeachment of the findings resulted.

Numajiri was properly convicted of offenses which were alleged in two specifications charging aggravated atrocities (Sp 2 and 3), one charging command responsibility for many brutal occurrences (Specification 7b) and three of less severity than the others. The sentence of 18 years for such crimes is in accord with the requirements of justice and the sentences of other commissions. Approval of the sentence is recommended.

Eizumi received a 5-year sentence for conviction of two specifications, one of which involved multiple brutalities. The sentence is appropriate and its approval is recommended.

Kira participated in more than 20 separate cowardly beatings. Although his intelligence was not of the grade of his commander, it does not appear that he was unaware of the baseness of his acts. His nature was cruel and he allowed it full rein. A 15-year sentence is not excessive and its approval is believed to be proper.

Neishi is in the same category as Eizumi and it is recommended that his 5-year sentence be approved.

Shinkae was convicted of a crime which does not justify imprisonment in excess of two years at hard labor as measured by the demands of the law and the sentences of commissions for like offenses. Reduction to that term is recommended.

It is certain to be gratifying to the Supreme Commander for the Allied Powers, the Commanding General, Eighth Army, and the

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Commission trying this case that advisory counsel for the accused was able to remark at the conclusion of the case that he considered the hearing to be disinterested and impartial (R. 317).

ALLAN R. BROWNE
Lt Colonel JAGD
Army Judge Advocate

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